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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,225	03/09/2001	Rosa Maria Covarrubias	3597-118-01	6802

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CHIN, PETER

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

1731

DATE MAILED: 11/21/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/803,225	COVARRUBIAS, ROSA MARIA
	Examiner Peter Chin	Art Unit 1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 June 2002.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .
- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_ .
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_ .

**DETAILED ACTION**

1. Claims 1,4-13 and 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (5,221,435) taken in view of Braitberg (3,234,075) or Bugosh (2,917,426).

The claims are rejected for the reasons given in the previous Office Action, Paper No. 7.

2. Claims 2,3 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (5,221,435) taken in Braitberg (3,234,075) or Bugosh (2,917,426) as applied to claims 1,4-13 and 16-22 above, and further in view of Sippel (WO 97/41063).

The claims are rejected as set forth in the previous Office Action, Paper No. 7.

3. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (5,221,435) in view of Braitberg (3,234,075) or Bugosh (2,917,426) as applied to claims 1,4-13 and 16-22 above, and further in view of Sarkar et al (5,169,497 or 5,507,914).

The claims are rejected for the reasons given in the previous Office Action, Paper No. 7.

4. The rejection of claims 1 and 21 under 35 USC 112, paragraph 2 is withdrawn in view of Applicant's response.

5. Applicant's arguments in response to the prior art rejections have been considered but are deemed unpersuasive of patentability.

It is urged that one would not combine the teaching of Braitberg with Smith since Braitberg relates to slime control and fines retention. The fact is that slime and

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fines retention is a consideration of all paper makers especially in closed papermaking systems. The fact is that Smith employs cationic alumina particles in conjunction with the claimed polymer. The advantages of the colloidal fibrous cationic alumina (boehmite) would motivate one of ordinary skill in the art to use this form of cationic alumina microparticle in Smith.

It is urged that Braitberg teaches attachment of the pitch and other impurities to the fiber and somehow this a negative teaching. This is a description of retention mechanism, which is also applicable to fines and other particulates used in papermaking including fillers. It is not seen how this a negative teaching. Contrary to Applicant's assertion, both Smith and Braitberg relate to retention.

Bugosh teaches the superior property imparted to paper through the use of cationic fibrous alumina, which adds to the motivation to using the claimed cationic fibrous alumina.

Sippel is cited to evidence that the particular boehmite alumina salt is well known form of boehmite flocculant and whether or not it is used in waste stream treatment is moot. A person of ordinary skill in the art would use forms of cationic fibrous boehmite available in the art.

The arguments present against Sarkar are not convincing for reasons given in the rejection.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Chin whose telephone number is (703) 308-2046. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on (703) 308-1164. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7718 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0651.



Peter Chin  
Primary Examiner  
Art Unit 1731